IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 979 (S/S) of 2001

Sri Kishan Singh Danu S/o Sri Gopal Singh Danu
R/o Village and Post Office Shantipuri No. 2,
District- Udham Singh Nagar ------Petitioner

Versus

1. Vice Chancellor G.B. Pant University of Agriculture and Technology Pantnagar, District Udham Singh Nagar
2. Registrar, G.B. Pant University of Agriculture and Technology Pantnagar, District Udham Singh Nagar
3. Establishment Officer, G.B. Pant University of Agriculture and Technology Pantnagar, District Udham Singh Nagar
4. Comptroller, G.B. Pant University of Agriculture and Technology, Pantnagar, District Udham Singh Nagar

------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tiwari, learned counsel for the petitioner and Sri Rajendra Dobhal, learned Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. To issue a writ, order or direction in the nature of mandamus commanding the respondents to grant regularization of service as Accounts clerk to the petitioner with effect from 23.09.1980 along with consequential benefits in view of the law laid down by the Hon'ble Supreme Court.
2. To issue a writ, order or direction in the nature of mandamus directing the respondents to forthwith pay the entire arrears of salary for the post of Accounts clerk to the petitioner.
3. To issue any other suitable writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

4. To award the cost of the writ petition in favour of the petitioner.

Respondents have filed counter affidavit. In the counter affidavit, it is stated that the petitioner was engaged on daily- wage basis as Messenger in the University on 17.04.1969. Again the petitioner was engaged on daily- wage basis to look after the work of receipt and deposit on 23.09.1980 and was promoted and was regularized on the post of Accounts Clerk with effect from 24.01.1991 and since then he is working on the post of Accounts Clerk and is getting salary of Accounts Clerk. It is further stated in the counter affidavit that the petitioner is claiming regularization with effect from 1980, which prayer cannot be accepted in view of the fact that in the year 1980, petitioner was engaged on daily-wage basis and this is the case of the respondents in the counter affidavit that there was no post vacant during this period, i.e., from 1980 to 1991. The petitioner was regularized on the post of Accounts Clerk in the year 1991. The prayer as such claimed by the petitioner that he may be given regularization with effect from 1980 cannot be accepted.

Learned counsel for the petitioner has submitted that the petitioner has not been paid the pay scale of Accounts Clerk, which was applicable when he was regularized on the post of Accounts Clerk and for this purpose he has already made a representation. Learned counsel for the petitioner has also submitted that the respondents, on the representation, are paying the salary of Accounts Clerk to the petitioner w.e.f. 28.11.1994 and not from the date when he was regularized on the post of Accounts Clerk.

The petitioner may make representation before the authority concerned for that relief and the respondents are directed to consider the case of the petitioner in accordance with law.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

01.08.2007
VKS